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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION**

12
13 IN THE MATTER OF THE SEARCH
14 OF AN APPLE IPHONE SEIZED
15 DURING THE EXECUTION OF A
16 SEARCH WARRANT ON A BLACK
17 LEXUS IS300, CALIFORNIA LICENSE
18 PLATE 35KGD203

Case No. 5:16-cm-00010-SP-1

**APPLICATION FOR LEAVE TO
FILE BRIEF OF AMICI CURIAE
ACCESS NOW AND WICKR
FOUNDATION IN SUPPORT OF
APPLE INC.'S MOTION TO
VACATE**

Date: March 22, 2016

Time: 1:00 p.m.

Place: Courtroom 3 or 4, 3rd Floor

Judge: Honorable Sheri Pym

ORIGINAL

1 Access Now and Wickr Foundation hereby seek leave to file an amici curiae brief
2 in support of Apple Inc.'s motion to vacate an order compelling Apple to assist
3 government agents in the search of an iPhone. This application is supported by the
4 proposed amici curiae brief and proposed order.
5

6 Amici are non-profit civil society organizations dedicated to supporting digital
7 rights and championing private communications throughout the world. Amici's
8 proposed brief seeks to inform the Court about the impact that the intentional
9 weakening of digital security would have on global human rights.
10

11 The government claims that this case is about a single iPhone, and that the
12 software solution it wants Apple to create will do nothing to weaken encryption. In
13 reality, this case could set precedent for law enforcement to demand that any
14 technology company deliberately impair the security of its products or services, and has
15 potential to do far-reaching harm.
16

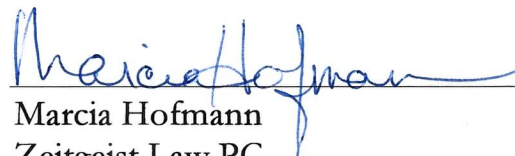
17
18 Technology and connectivity have empowered millions around the world to
19 demand social and political change—but criminals and authoritarian regimes exploit the
20 same technology to identify and persecute protesters, democracy activists, bloggers, and
21 journalists. In some countries, reliable security tools such as encryption can be the
22 difference between life and death. The relief sought by the government endangers
23 people globally who depend on robust digital security for their physical safety and
24 wellbeing.
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1 Pursuant to international law, the United States government has a duty to foster
2 basic human rights such as freedom of expression and privacy. The assistance sought by
3 the government not only undermines the commitment of the United States to uphold
4 those fundamental rights in the digital age, but also keeps Apple from fulfilling its own
5 responsibilities to respect the human rights of users.
6

7 Counsel for amici has contacted Apple Inc. and the United States to ask their
8 positions on this proposed amici curiae brief. The parties have both indicated that they
9 do not object to the filing of this brief.
10

11
12 DATED: March 1, 2016

Respectfully submitted,

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PROOF OF SERVICE

I, the undersigned, declare that I am a citizen of the United States; my business address is 25 Taylor Street, San Francisco, California 94102; I am employed in the City and County of San Francisco; I am over the age of eighteen (18) years and not a party to the within action.

On March 1, 2016, I served the foregoing document described as:

• **Application for Leave to File Brief of Amici Curiae Access Now and Wickr Foundation in Support of Apple Inc.'s Motion to Vacate**

on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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1 BY MAIL: I caused such envelope(s), fully prepaid, to be placed in the United
2 States mail at San Francisco, California. I am "readily familiar" with this firm's practice
3 for collection and processing of correspondence for mailing. Under that practice, it
4 would be deposited with the United States Postal Service the same day, with postage
5 thereon fully prepaid, at San Francisco, California, in the ordinary course of business. I
6 am aware that on motion of the party served, service is presumed invalid if the postal
7 cancellation date on postage meter date is more than one day after date of deposit for
8 mailing in affidavit.

9 I declare that I am employed in the office of a member of the bar of this court at
10 whose direction this service was made. I declare under penalty of perjury under the laws
11 of the United States of America that the foregoing is true and correct.

12
13 DATED: March 1, 2016


Stephanie Shattuck